REMARKS

In the Final Office Action mailed November 1, 2005, the Examiner rejected claims 1-51 under 35 U.S.C. § 102(e) as being anticipated by *Bradbury et al.* (U.S. Patent Publication No. 2002/0007294).[1]

By this amendment, Applicant proposes to amend claims 1, 2, 3, 11, 12, 17, 19, 20, 27, 38, 49, and 40. Based on the following arguments, Applicant respectfully traverses the Examiner's rejection of claims 1-51 under 35 U.S.C. § 102(e).

I. *Bradbury et al.* fails to Teach at least Establishing a Web-Based model of a Component of a Work Machine, as Recited in Unamended Claims 50 and 51

In order to properly anticipate Applicant's claimed invention under 35 U.S.C. § 102(e), each and every element of the claim at issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *See* M.P.E.P. § 2131. Finally, "[t]he elements must be arranged as required by the claim." *Id.*

Unamended claims 50 and 51 respectively recite, *inter alia*, "establishing an engineering model of a component of a work machine" and "a process for receiving configuration data from the client system reflecting a configuration of a component of a work machine selected by the user."

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether or not any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Bradbury et al. discloses a system and method for customizing and manufacturing biomedical devices. The system includes an environment where patient data is created (e.g., MRU or CT scan data) and converted to a digital format. The converted data is transmitted to a remote site where it is used to generate a 3D electronic model of an object to be manufactured. *Bradbury et al.* at ¶¶ [14, 20, and 21]. In creating the patient data, *Bradbury et al.* explains a physician provides the patient data that is stored in digital format on a computer hard drive floppy disk, or other form of storage. *Bradbury et al. at* ¶[15]. The model is used to create machine instructions that direct the manufacturing of the object. *Bradbury et al.* at Fig. 1 and ¶¶ [15]. During the model construction phase, the 3D model data of the object may be transmitted back to the doctor/patient for review for collaborative design of the object. *Bradbury et al.* at ¶¶ [35 and 36].

As is clear from the disclosure of *Bradbury et al.*, the data collected, converted into a model, and used to manufacture a device, are not associated with a component of a work machine. Instead, *Bradbury et al.* describes medical-related devices or parts that are used in surgical procedures of a human. These are not components of a work machine. The Examiner, however, concludes that a component of a work machine is taught because *Bradbury et al.* mentions "automobiles" in paragraph 86. In doing so, the Examiner improperly takes the teachings of *Bradbury et al.* out of context. *Bradbury et al.* explains in paragraph 86, and previous text leading up to that paragraph, that made-to-order processes would be practical for manufacturing pills for patients. *Bradbury et al.*

merely states that the trends associated with pills that are made-to-order resembles those of "other manufacturing industries, even for products as complicated as automobiles." This disclosure is merely describing the practicality of made-to-order pills for addressing the time constraints in manufacturing medicine for patients, which may follow similar trends for automobile manufacturers, for example. Contrary to the Examiner's assertions, however, this does not show (or any other portion of *Bradbury et al.*), among other things, establishing an engineering model of a component of a work machine or a server including a process for receiving configuration data from the client system reflecting a configuration of a component of a work machine selected by the user, as recited in claims 50 and 51, respectively.

Moreover, neither paragraph 14, nor any other portion of *Bradbury et al.*, discloses performing a simulation of a web-based model that is established based on selection data and the engineering data, as asserted by the Examiner. Indeed, the Examiner provides no proof of any correlation between the features disclosed in paragraphs 14 and paragraph 86, which the Examiner relies upon to allege a component of a work machine. In fact, there is no such relationship between these disclosures. As noted above, *Bradbury et al.* does not teach a work machine, much less establishing a model of a component of a work machine or receiving configuring data associated with a component of a work machine. Accordingly, the reference falls short of describing performing a simulation of such a web-based model that correlates to a component of a work machine.

Accordingly, the Examiner has not established a *prima facie* case of anticipation in rejecting claims 50 and 51. As such, Applicant requests the rejection of these claims be withdrawn, and the claims allowed.

II. *Bradbury et al.* fails to Teach at least Establishing a Web-Based model of a Component of a Work Machine, as Recited in Claims 1-49

Similar to claims 50 and 51, Applicant proposes to amend claims 1, 27, and 38 to describe the component as a component of a machine that is configured to perform work operations in a work environment. The context of these claims and the disclosed embodiments associated with these claims are distinguishable from the medical device manufacturing processes disclosed by *Bradbury et al.* As explained above, the Examiner improperly takes the teachings of *Bradbury et al.* out of context in rejecting claims 50 and 51. Nowhere does *Bradbury et al.* show processes, data, etc. associated with a component of a machine that is configured to perform work operations in a work environment. Moreover, the reference does not teach performing a simulation of a web-based model established based on an engineering model of the component of the machine. Further, *Bradbury et al.* fails to teach a process for providing, to the client system, a simulation of the web-based model performing virtual operations in a simulated environment associated with the work environment, as recited in claim 27.

Accordingly, for at least these reasons, Applicant requests that the rejection of claims 1, 27, and 38 be withdrawn and the claims allowed.

Claims 2-26 depend from claim 1. Claims 28-37 depend from claim 27. Claims 39-49 depend from claim 38. As explained, claims 1, 28, and 38 are

distinguishable from *Bradbury et al.* Accordingly, claims 2-26, 28-37, and 39-49 are also distinguishable from the cited art for at least the same reasons set forth above in connection with claims 1, 27, and 38. Further, contrary to the Examiner's assertions, *Bradbury et al.* does not teach the additional recitations of these dependent claims. Accordingly, Applicant requests that the rejection of claims 2-26, 28-37, and 39-49 be withdrawn and the claims allowed.

III. Conclusion

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-51 in condition for allowance. Applicant submits that the proposed amendments of claims 1, 2, 3, 11, 12, 17, 19, 20, 27, 38, 49, and 40. do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since the features recited in the amendments are associated with those recited in unamended claims 50 and 51. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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